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BILL NO. A-92-12-20

GENERAL ORDINANCE NO.

A-09-92

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA AMENDING APPROPRIATION ORDINANCE NO. A-06-92 (as amended) "BY REDUCING PORTIONS OF THE BUDGET FOR THE CITY OF FORT WAYNE, INDIANA FOR THE FISCAL YEAR BEGINNING JANUARY 1, 1993 AND ENDING DECEMBER 31, 1993.

WHEREAS, on the 24th day of September, 1992, the Common Council of the City of Fort Wayne, passed Appropriation Ordinance No. A-06-92 (as amended), being "An Ordinance Appropriating Monies For The Purpose Of Defraying The Expenses Of The City of Fort Wayne, Indiana, For The Fiscal Year Beginning January 1, 1993, And Ending December 31, 1993, Including All Outstanding Claims And Obligations And Fixing A Time When The Same Shall Take Effect"; and

WHEREAS, said Ordinance was approved and signed by the Mayor of the City of Fort Wayne on the 2nd day of October, 1992; and

WHEREAS, subsequent to the passage and approval of said Ordinance as set out aforesaid, the Indiana State Board of Tax Commissioners has given preliminary approval to the budget for the several departments of the City Government of the City of Fort Wayne, Indiana, for the fiscal year beginning January 1, 1993 and ending December 31, 1993, that will require a 1.75% increase in the city property tax assessed the citizens of the City of Fort Wayne; and

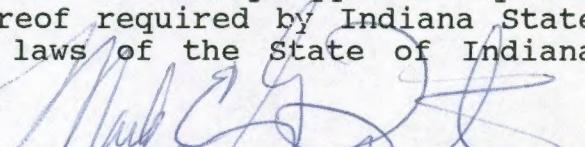
WHEREAS, it is and has been the intent of the Common Council of the City of Fort Wayne to prevent any increase in the city property tax rate; and

WHEREAS, the Common Council has determined that portions of the budget for the City of Fort Wayne, Indiana, for the fiscal year beginning January 1, 1993 and ending December 31, 1993, can be deleted and/or reduced, without being detrimental to the health, welfare and safety of the citizens of Fort Wayne.

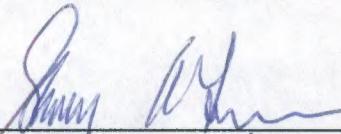
NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA THAT:

SECTION 1. That Appropriation Ordinance No. A-06-92 (as amended) is hereby amended by deleting from the budget for the expenses of the several departments of the City Government of the City of Fort Wayne, Indiana, for the fiscal year beginning January 1, 1993 and ending December 31, 1993, those items of said budget appearing on the list attached hereto and marked Exhibit "A" and made a part of this ordinance.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Common Council, and any and all necessary approval by the Mayor, legal publication thereof required by Indiana State law, and is subject to the laws of the State of Indiana governing appropriations.

  
COUNCILMEMBER

APPROVED AS TO FORM  
AND LEGALITY.

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Stanley A. Levine  
4 Legal Advisor to  
5 Fort Wayne Common Council

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EXHIBIT A

<u>DEPARTMENT/DIVISION</u>	<u>DECREASE</u>	<u>BUDGET</u>	<u>DECREASE</u>
Police Department	250K	17M	.015
Fire Department	150K	11M	.014
Animal Control Department	40K	934K	.043
City Council/Clerk Dept.	25K	542K	.046
C & E D Division	100K	4.7M	.022
Parks Department	100K	8.2M	.012
Mayor's Office	35K	816K	.043
Board of Works	50K	6M	.008
Total	750K	49M	

Read the first time in full and on motion by \_\_\_\_\_  
and duly adopted, read the second time by title and referred to the  
Committee on \_\_\_\_\_ (and the City Plan Commission  
for recommendation) and Public Hearing to be held after due legal notice, at  
the Common Council Council Conference Room 128, City-County Building, Fort  
Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of  
\_\_\_\_\_, 19\_\_\_\_\_, at \_\_\_\_\_ o'clock  
M., E.S.T.

DATED: \_\_\_\_\_

SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by \_\_\_\_\_  
and duly adopted, placed on its passage. PASSED *Henry* ~~LOST~~  
by the following vote: *To override the mayor's veto*

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	4	3		
BRADBURY		✓		
EDMONDS	✓			
GiaQUINTA	✓			
HENRY	✓			
LONG	✓			
LUNSEY	✓			
RAVINE	✓	✓		
SCHMIDT	✓			
TALARICO		✓		

DATED: 1-12-93

*Sandra E. Kennedy*  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,  
Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)  
(SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. A-69-92  
on the 12th day of January, 1993

ATTEST:

*Sandra E. Kennedy*  
SANDRA E. KENNEDY, CITY CLERK

(SEAL)

*Mark P. GiaQuinta*  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on  
the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.  
at the hour of \_\_\_\_\_ o'clock M., E.S.T.

*Sandra E. Kennedy*, CITY CLERK

Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_,  
19\_\_\_\_\_, at the hour of \_\_\_\_\_ o'clock M., E.S.T.

*PAUL HELMKE*, MAYOR

Read the first time in full and on motion by Gia Quinta, seconded by Long, and duly adopted, read the second time by title and referred to the Committee on Committee of Whole (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATED: 12-29-92

Sandra E Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Gia Quinta, seconded by Long, and duly adopted, placed on its passage.  
PASSED LOST by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>9</u>			
<u>BRADBURY</u>	<u>✓</u>			
<u>EDMONDS</u>	<u>✓</u>			
<u>GiaQUINTA</u>	<u>✓</u>			
<u>HENRY</u>	<u>✓</u>			
<u>LONG</u>	<u>✓</u>			
<u>LUNSEY</u>	<u>✓</u>			
<u>RAVINE</u>	<u>✓</u>			
<u>SCHMIDT</u>	<u>✓</u>			
<u>TALARICO</u>	<u>✓</u>			

DATED: 9-29-92

Sandra E Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)  
(SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. A-09-92  
on the 29 day of December, 1992

ATTEST:

(SEAL)

Sandra E Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Thomas P. Henry  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 30<sup>th</sup> day of December, 1992,  
at the hour of 9:00 o'clock A, M., E.S.T.

Sandra E Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_,  
19\_\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

PAUL HELMKE, MAYOR

VETO

R. Hall

1/5/13 2:00 PM



# THE CITY OF FORT WAYNE



Paul Helmke  
Mayor

## MEMORANDUM

**TO:** Members of the City Council  
**FROM:** Paul Helmke, Mayor *P. Helmke*  
**DATE:** January 5, 1993  
**SUBJECT:** Veto of General Ordinance A-09-92

In passing the above-referenced ordinance on December 29, 1992 Council expressed its desire to cut the 1993 budget, and asked me to act quickly in order to allow the State Board of Tax Commissioners the possibility of cutting our 1993 property tax rate. I am taking action on this ordinance in time for Council to revisit this issue, should it choose to do so, prior to final approval of our tax rate by the State Board of Tax Commissioners.

I do want to express my concern at the process Council used to pass the ordinance. While the Council and my administration frequently disagree on issues, in the past we have been able to resolve those disagreements through constructive dialogue and compromise.

This time, however, Council acted with no input from any of the Department Heads affected by the Council's actions. It is troubling that Council chose to act without soliciting readily available information or even public discussion from its own members. I am confident that we can make a clean start in 1993 and resolve to work cooperatively to address the many issues facing our City.

I am vetoing A-09-92 for the following reasons.

### 1) Unclear Intent

As the City's fiscal and legislative body, Council is charged with setting the City Departments' budgets and levels of service for the people of Fort Wayne. A-09-92 does not do so.

Depending on which third-hand account I read or hear, for example, Council intended that the Police Department reduce its budget by \$250,000 through the elimination of the DARE program, use of Federal grant money for current levels of service, or some unspecified reduction which would have no

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One Main Street, Fort Wayne, Indiana 46802

service impact. For reasons given below, none of these are possible.

Budgets are made up of details, and the lack of details (budget lines or specific programs) in A-09-92 does not give me (or the State Board of Tax Commissioners) an indication of whether the Council even has a consensus among its own members as to appropriate cuts. I simply cannot approve an ordinance that requires governing by guesswork.

2) Inaccurate Information

In addition, there are some inaccuracies in the budget figures in the ordinance. In the Division of Community & Economic Development, for example, the ordinance Exhibit A shows a cut of \$100,000 from a budget of \$4.7 million, or a decrease of 2.2%. However, the actual budget of Community & Economic Development is \$2.365421 million. It appears that Council added the individual sub-totals twice to come up with the \$4.7 million. Similarly, the Board of Works budget is \$3.9 million, not \$6 million (that figure is the Motor Vehicle Highway budget which is not supported by property or income tax revenues.)

The question is whether Council truly intended a cut in Community & Economic Development of 2.2% which would equal \$52,000; or, did the fiscal body really intend a cut of \$100,000 or 4.2%? From the ordinance, the issue is unclear. This confusion and the lack of dialogue between the Council and the staff leads to action without understanding of the intent of Council or implications of the impacts on services or programs.

Another example is the discussion by Council Members in the media that the Police Department could cut \$250,000 since they recently received a grant in this amount. However, the terms of the grant prohibit substituting Federal grant funding for local sources. Further, the grant funds are restricted for use in gang prevention activities in a collaborative effort with various local law enforcement agencies.

3) Service Reductions to Fort Wayne Citizens

I have reviewed the impacts of Council's proposed cuts with the respective Division and Department Heads. From this review, the following reductions are likely if the budget cuts adopted by Council have to be implemented.

Police Department: \$250,000

The purchase of 40-45 police cars might have to be postponed again in order to meet Council's goal. Vehicles slated to be purchased in 1992 were not acquired

due to the budget shortfall. \$150,000 in the 1993 budget would have been a payment on a lease purchase agreement, a way to get more vehicles at a lower cost. Not only would officers' safety be put at risk by driving cars that should be retired, maintenance costs on those vehicles are much higher, so we would not realize a dollar-for-dollar savings by making this cut. To make up the rest of the cuts, approximately four officers might also have to be laid off. At a time when our community and our Council Members are asking for more police officers, more training for those officers, and more ways to handle crime, this sort of cut flies in the face of all that is reasonable.

Fire Department: \$150,000

A \$150,000 cut could mean the reduction of four fire fighters and potentially a delay in purchasing fire equipment. While we will still be able to meet our annexation commitments, the Fire Department would be understaffed during peak vacation seasons. This may result in various trucks at some stations being put "out of service" during these times. I concur with the assessment of my Public Safety Director, Payne Brown, that the minimal actual savings in this area are not worth the reduction in the service to our citizens.

Animal Control: \$40,000

The suggested cut of \$40,000 from Animal Control would probably mean the loss of the Humane Education Specialist. The Education Specialist goes into the schools to teach children about responsibility to pets and emphasizes the importance of not bringing unwanted puppies and kittens into the world. This is a valuable program with unseen benefits. When you teach a child about having pets spayed and neutered, you avoid many problems. Eliminating this program would cost this community money when we have to deal with abused animals and overpopulation.

Community & Economic Development: \$100,000

A \$100,000 cut would likely mean the following staff reductions:

- Neighborhood Code Enforcement Officer - Council Members are all very familiar with the important efforts of Neighborhood Code Enforcement Officers who enforce zoning violations, housing violations, abandoned vehicle violations, weed violations, and address many other neighborhood problems. The loss

of an officer would reduce the field staff from seven officers to six officers, and limit our ability to respond to neighborhood problems.

- Business Development Specialist - A reduction in Economic Development staff would limit our ability to work with businesses interested in locating or expanding in Fort Wayne. I know that Council joins me in my commitment to economic development as a vital City function.
- Long Range/Annexation Planner I - A cut in this area would hinder the City's aggressive annexation efforts. Annexation has been identified by the Administration and Council as a priority, and this cut would slow down some of our efforts.

**Parks Department: \$100,000**

Further cuts in the Parks Department budget could end up costing much more than they save by jeopardizing matching private grant money for repairs at the McMillen Ice Arena and exacerbating the problem of deferred maintenance in other structures. We have put off necessary maintenance to our existing structures for so long because we had no money, and this would just further delay repairs. Projects cut would be planned repairs to the McMillen Ice Arena, improvements to the Foster Park Pavilion #1 and could mean closing supervised playgrounds and recreation programs. We need more wholesome opportunities for the children of our community, not fewer.

**Mayor's Office: \$35,000**

A reduction of this amount of funding could eliminate the Veteran's Affairs position. While I believe it is appropriate to explore funding of this position by the County in the future, we do not want to go without this position while we wait.

**Board of Public Works: \$50,000**

The likely item to cut in the Board of Works is in the already tight contingency category. Unfortunately, we cannot predict when the City will have emergencies (witness the current flood event) and we need to have the contingency to deal with these situations. In 1992, we had no street blow-ups, but we had five the previous summer. If funds are not available to address these crises as they arise, we will not be able to adequately protect public safety.

**4) Improper Format**

I.C. 36-4-7-7 states, "The legislative body, in the

appropriation ordinance, may reduce any estimated item from the figure submitted in the report of the fiscal officer . ." I.C. 36-4-7-9 states, "An appropriation ordinance must specify, by items, the amount of each appropriation and the department for which it is made."

I have emphasized the term "item" in the two sections of the state law noted above to point out that the proper form for appropriation ordinances must specify items. The common and regular usage of the term means a budgetary item categorized in the 4100 - personal services, 4200 - supplies and materials, 4300 - other services and charges, or 4400 - capital outlays lines. The primary impact of this deficiency is confusion and unclear intent. However, there is substantial question in my mind as to the legal validity of the ordinance.

While I understand and appreciate the fact that Council decided to make cuts and allow the Administration to decide the specifics, I do not feel we can cut this budget without having a negative effect on services that outweighs the small 1.75% tax rate increase. I share and applaud Council's vigilance with regard to the budget. We need to keep the lowest possible tax rate, although we must balance that with the need for services and quality of life.

I would like to take this opportunity to remind Council that we have maintained a flat tax rate for the last four years while undertaking the most ambitious annexation program in the history of Fort Wayne to ensure our community's future health. Our property tax rate has remained flat while other tax jurisdictions have been going up significantly.

Finally, let's take a look at how other second class cities compare with us. Fort Wayne ranks third among all other Indiana second class cities in having the lowest property tax rate. When examining the two that are slightly lower than Fort Wayne in property tax, Lafayette and Richmond, you can see from the attached chart that both have a full 1% income tax while Fort Wayne has only a .4% income tax. The bottom line is that Fort Wayne residents enjoy a higher quality of life and a lower overall city tax rate than any other comparable second class city in the state.

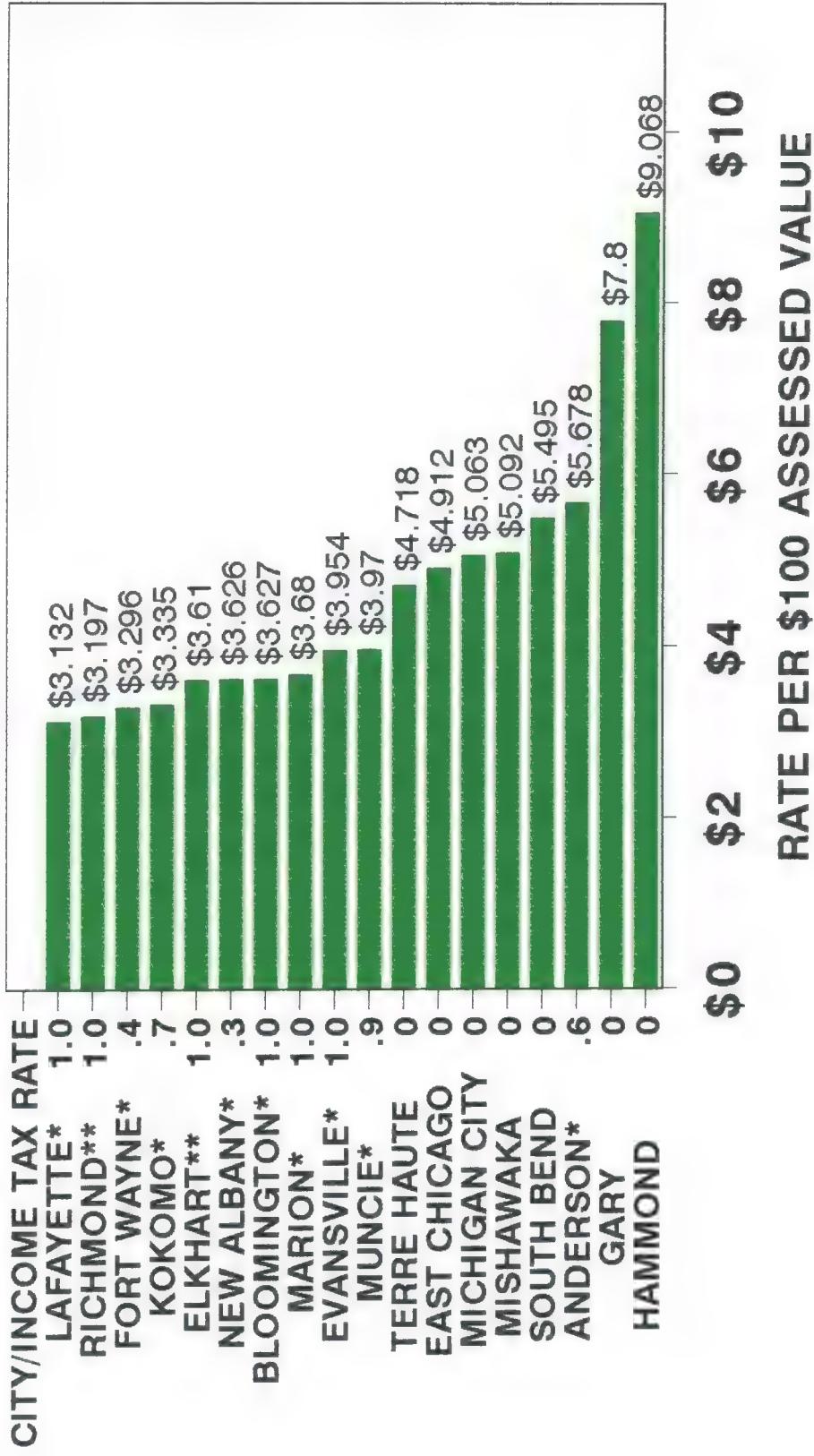
Newly elected Council President Mark GiaQuinta acknowledged last night that the State Board of Tax Commissioners would not accept a tax decrease unless there was complete agreement by the Mayor and Council. In vetoing this ordinance, I have given you detailed reasons for my action. However, I want to restate my hope that the Administration and Council work together closely to address our community's challenges and opportunities. I look forward to 1993 as a year of improved communication and consensus building to make Fort Wayne government even more effective and efficient.

PH/GP/GB

# MUNICIPAL PROPERTY TAX RATES

## INDIANA SECOND CLASS CITIES

### 1992 PAYABLE 1993



\*COIT/CREDIT COUNTY

\*\*CAGIT COUNTY

PROPERTY TAX RATES FINALIZED JAN 15, 1993

**MAYOR VETOS BUDGET CUTS**  
**for immediate release: TUESDAY, JANUARY 5, 1993**

Mayor Paul Helmke today vetoed the budget-related ordinance (#A-09-92) passed by City Council Tuesday, December 29, 1992.

"Council says its intention in this eleventh hour attempt at budget cutting is to lower the City's portion of the property tax rate," said Mayor Helmke. "While I support this goal--and have kept taxes flat or reduced for four straight years--I cannot support cutting our police department, eliminating services and laying off employees and denying citizens important programs simply because of opposition to a property tax increase that amounts to approximately 50 cents a month for the average property owner."

In a meeting yesterday with his Division and Department Heads, Mayor Helmke asked for specifics on what might be cut if Council's demands were met.

**Police Department** Safety Director Payne Brown said the purchase of 40-45 vehicles would have to be postponed again. Vehicles slated to be purchased in 1992 were not acquired, due to the budget shortfall. Brown said the \$150,000 in the budget would have been a payment on a lease purchase agreement, a way to get more vehicles at a lower cost. Not only would officers' safety be put at risk by driving cars that should be retired, maintenance costs on those vehicles are much higher, so there is not a dollar-for-dollar savings by making this cut. Brown said to make up the rest of the cuts, approximately four officers would also have to be laid off. "At a time when our community and our Council people are asking for more police officers, more training for those officers, and more ways to handle crime, this sort of cut flies in the face of all that is reasonable," said Mayor Helmke.

**Fire Department** Safety Director Brown said cuts in this area would again result in jobs lost. He estimated four firefighters would have to be let go--- at a time when annexation commitments require more staff, not less. To fulfill the annexation commitments, it would be likely that trucks in

other areas of town would have to be put out of service during peak vacation times. Brown said the closing of Fire Station #10 on State Street would also be likely, although the savings would not be in dollars (except for utility costs) but more in reassigning personnel and equipment to other stations. "It is my opinion that the savings in this area is not worth the reduction in service to our citizens," said Brown.

Animal Control The suggested cut of \$40,000 from Animal Control would mean the loss of the Education Specialist, according to Belinda Lewis, Animal Control Director. The Education Specialist goes into the schools and teaches children about responsibility to pets, and emphasizes the importance of not bringing unwanted puppies and kittens into the world. "This is a valuable program with unseen benefits," said Lewis. "When you teach a child about having pets spayed and neutered, you avoid many problems...eliminating this program would cost this community money when it had to deal with abused animals and overpopulation."

Community and Economic Development Chief of Staff (and former Director of this Division) Greg Purcell said Council's estimate of the C&ED budget was incorrect. "If we had to abide by their request," said Purcell, "we would be cutting more than 4 percent from the budget, not the 2.2% Council estimated." Purcell said that would likely mean losing one City planner, one code enforcement officer, and one business development specialist.

Parks Parks Director Bob Arnold said further cuts in the Parks budget will end up costing much more than they save. "We've put off necessary maintenance to our existing structures for so long because we had no money---- this would just further push off repairs," said Arnold. On the chopping block would be planned repairs to the McMillen Ice Arena, improvements and to the Foster Park Pavilion #1, and could mean closing supervised playgrounds and recreation programs. "We need more wholesome opportunities for the children of our community, not fewer," said Mayor Helmke.

Mayor's Office Purcell said the cuts in the Mayor's office would have to be personnel. "We just don't have a lot of dollars for anything else," he said. The Veteran's Affairs position is currently vacant and could go unfilled, said Purcell.

Board of Works Director Chuck Layton said about the only area that could be cut in the Board of Works is the already cut contingency fund. Monies in that fund pay for unforeseen events like floods, street blow ups, or other emergencies not regularly budgeted. "It's a gamble," said Layton. "Last year, we had no street blow ups. The previous summer, we had five."

We've already experienced a flood emergency in this new year---I certainly don't know what the rest of the year holds."

Mayor Helmke said he could not support the impact these cuts would have on the safety and comfort of the citizens of Fort Wayne. "I know no one likes taxes," he said. "But the reality is, we are talking about a very small increase in the property tax rate---and the first increase in four years. That's something to be proud of---it's time we all realized how much we get for our tax dollar in this community. I am proud of the services and programs we have. We plan to continue to provide the citizens the services they expect and demand until a consensus is reached to the contrary."

SUSPENSION OF RULES

BILL NO. A-92-12-20

COUNCILMEMBER Mark E. GiaQuinta, MOVED TO SUSPEND THE RULES  
FOR THE PASSAGE OF BILL NO. A-92-12-20, AT THE COMMON COUNCIL  
MEETING OF THE CITY OF FORT WAYNE, INDIANA, HELD ON THE 29th,  
DAY OF December, 1992, SAID MOTION WAS SECONDED BY  
COUNCILMEMBER Long, AND DULY PASSED BY UNANIMOUS  
VOTE OF ALL LEGALLY ELECTED MEMBERS OF THE COMMON COUNCIL. THE ABOVE  
BILL NO. A-92-12-20 WAS THEN PLACED ON PASSAGE.

DATED: 12-29-92

*Sandra E. Kennedy* /s/ *Thomas C. Henry* /s/  
SANDRA E. KENNEDY, CITY CLERK PRESIDING OFFICER

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>9</u>			
<u>BRADBURY</u>	<u>✓</u>			
<u>EDMONDS</u>	<u>✓</u>			
<u>GiaQUINTA</u>	<u>✓</u>			
<u>HENRY</u>	<u>✓</u>			
<u>LONG</u>	<u>✓</u>			
<u>LUNSEY</u>	<u>✓</u>			
<u>RAVINE</u>	<u>✓</u>			
<u>SCHMIDT</u>	<u>✓</u>			
<u>TALARICO</u>	<u>✓</u>			

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA  
ON December 29, 1992, BILL NO. A-92-12-20

ATTEST

(SEAL)

DATED: 12-29-92

*Sandra E. Kennedy*  
SANDRA E. KENNEDY, CITY CLERK